IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1136 OF 1999

IN

NOTICE OF MOTION NO.2697 OF 1999

IN

SUIT NO.4173 OF 1999

ICICI Ltd. ...Appellants

v/s

Pentafour Products Ltd. and ors. ...Respondents

Mr C.S. Kapadia with Mr Sachin Chandarana i/b M/s Manilal Kher Ambalal and Co. for Appellants.

Mr F. Devitre i/b M/s Gagrat and Co. lfor Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 2ND JULY 2007.

P.C. :-

1. It is common ground that this appeal is directed against the order passed by the learned Single Judge declining to grant ad-interim order in a notice of motion taken out by the plaintiffs. That notice of motion is still pending. In this appeal, interim order has been made and that order is operating. Therefore, by consent of parties, the appeal is disposed off in following terms.

2. The interim order dated 24th April 2000 passed by this Court in this appeal, which is operating, shall continue to operate during the pendency of notice of motion No.2697 of 1999. The parties shall be at liberty to move the learned Single Judge for hearing the notice of motion. We have been informed that presently the defendant No,.1 - Company is before the Board of Industrial and Financial Reconstruction. Therefore, the parties shall be at liberty to move the learned Single Judge for hearing notice of motion No.2697 of 1999 after the defendant No.1 - company comes out of B.I.F.R.

Appeal is disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as

true copy.

. Certified copy expedited.